

**Introduced by Senator Lara**

February 11, 2016

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An act to amend Section 21080.25 of the Public Resources Code, relating to environmental quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1008, as introduced, Lara. California Environmental Quality Act: Los Angeles Regional Interoperable Communications System: exemption.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

Existing law, until January 1, 2017, exempts from CEQA the design, site acquisition, construction, operation, or maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System, consisting of a long-term evolution broadband mobile data system and a land mobile radio system, if certain criteria are met at the individual project site.

This bill would extend that exemption until January 1, 2020. Because a lead agency, which may include a local agency, is required to determine whether a project qualifies for this exemption, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.25 of the Public Resources Code  
2 is amended to read:

3 21080.25. (a) For purposes of this section, the following  
4 definitions shall apply:

5 (1) “Antenna support structures” means lattice towers,  
6 monopoles, and roof-mounts.

7 (2) “Habitat of significant value” includes all of the following:

8 (A) Wildlife habitat of national, statewide, or regional  
9 importance.

10 (B) Habitat identified as candidate, fully protected, sensitive,  
11 or species of special status by a state or federal agency.

12 (C) Habitat essential to the movement of resident or migratory  
13 wildlife.

14 (3) “LA-RICS” means the Los Angeles Regional Interoperable  
15 Communications System, consisting of a long-term evolution  
16 broadband mobile data system, a land mobile radio system, or  
17 both.

18 (4) “LMR” means a land mobile radio system.

19 (5) “LTE” means a long-term evolution broadband mobile data  
20 system.

21 (6) “Riparian area” means an area that is transitional between  
22 terrestrial and aquatic ecosystems, that is distinguished by gradients  
23 in biophysical conditions, ecological processes, and biota, and that  
24 meets the following criteria:

25 (A) Is an area through which surface and subsurface hydrology  
26 connect ~~waterbodies~~ *bodies of water* with their adjacent uplands.

27 (B) Is adjacent to perennial, intermittent, and ephemeral streams,  
28 lakes, or estuarine or marine shorelines.

29 (C) Includes those portions of terrestrial ecosystems that  
30 significantly influence exchanges of energy and matter with aquatic  
31 ecosystems.

(7) “Wetlands” has the same meaning as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(8) “Wildlife habitat” means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.

(b) If all the criteria specified in subdivision (c) are met at the individual project site, this division does not apply to the design, site acquisition, construction, operation, or maintenance of the following elements of the LA-RICS:

(1) Antennas, including microwave dishes and arrays.

(2) Antenna support structures.

(3) Equipment enclosures.

(4) Central system switch facilities.

(5) Associated foundations and equipment.

(c) As a condition of the exemption specified in subdivision (b), all of the following criteria shall be met at the individual project site:

(1) The project site is publicly owned and already contains one or both of the following:

(A) An antenna support structure and one or both of the following components:

(i) Antennas.

(ii) Equipment enclosures.

(B) A police, sheriff, or fire ~~station~~, *station* or other public facility that transmits or receives public safety radio signals.

(2) Construction and implementation at the project site would not have a substantial adverse impact on wetlands, riparian areas, or habitat of significant value, and would not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of *Division 2 of the Fish and Game Code*), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game ~~Code~~, *Code*) or the habitat of those species.

(3) Construction and implementation of the project at the site would not have a substantial adverse impact on historical resources pursuant to Section 21084.1.

(4) Operation of the project at the site would not exceed the maximum permissible exposure standards established by the

1 Federal Communications Commission, as set forth in Sections  
2 1.1307 and 1.1310 of Title 47 of the Code of Federal Regulations.

3 (5) Any new LTE antenna support structures or LMR antenna  
4 support structures would comply with applicable state and federal  
5 height ~~restrictions~~, *restrictions* and any height restrictions mandated  
6 by an applicable comprehensive land use plan adopted by an airport  
7 land use commission. The new monopoles shall not exceed 70 feet  
8 in height without appurtenances and attachments, and new lattice  
9 towers shall not exceed 180 feet in height without appurtenances  
10 and attachments.

11 (6) Each new central system switch is located within an existing  
12 enclosed structure at a publicly owned project ~~site~~, *site* or is housed  
13 at an existing private communications facility.

14 (d) This section shall remain in effect only until January 1, ~~2017~~,  
15 *2020*, and as of that date is repealed, unless a later enacted statute,  
16 that is enacted before January 1, ~~2017~~, *2020*, deletes or extends  
17 that date.

18 SEC. 2. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 a local agency or school district has the authority to levy service  
21 charges, fees, or assessments sufficient to pay for the program or  
22 level of service mandated by this act, within the meaning of Section  
23 17556 of the Government Code.